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professor of international law at the University of Vienna, member of the Austrian Upper House, delegate to the First International Peace Conference, member of the Permanent Court of Arbitration, member of the Venezuelan Arbitration Tribunal, president of the Maskat Arbitration Tribunal of 1905. Having sat with Dr. Lammasch as member of the Maskat International Tribunal, and knowing him personally and intimately, appreciating his character as well as his scientific attainments, I feel sure that in electing him to honorary membership the Society honors itself as much as it does him. I therefore have the honor to propose the election of Dr. Lammasch.

The PRESIDENT. The motion of the Chief Justice will be referred to the Executive Council and the action taken will be reported at the session to-morrow morning.

ADDRESS BY THE PRESIDENT OF THE SOCIETY [1]

Gentlemen: In opening this meeting of the American Society of International Law, which I hope will be the first of many meetings in unbroken succession to continue long after we personally have ceased to take part in affairs, let me welcome you to the beginning of your labors for a more thorough understanding of this important and fascinating subject. It is impossible that the human mind should be addressed to questions better worth its noblest efforts, offering a greater opportunity for usefulness in the exercise of its powers, or more full of historical and contemporary interest, than in the field of international rights and duties. The change in the theory and practice of government which has marked the century since the establishment of the American Union has shifted the determination of great questions of domestic national policy from a few rulers in each country to the great body of the people, who render the ultimate decision under all modern constitutional governments. Coincident with that change the practice of diplomacy has ceased to be a mystery confined to a few learned men who strive to give effect to the wishes of personal rulers, and has become a representative function answering to the opinions and the will of the multitude of citizens, who

[1] This address was published in the AMERICAN JOURNAL OF INTERNATIONAL LAW, I, 273.

themselves create the relations between states and determine the issues of friendship and estrangement, of peace and war. Under the new system there are many dangers from which the old system was free. The rules and customs which the experience of centuries had shown to be essential to the maintenance of peace and good understanding between nations have little weight with the new popular masters of diplomacy; the precedents and agreements of opinions which have carried so great a part of the rights and duties of nations toward each other beyond the pale of discussion are but little understood. The education of public opinion, which should lead the sovereign people in each country to understand the definite limitations upon national rights and the full scope and responsibility of national duties, has only just begun. Information, understanding, leadership of opinion in these matters, so vital to wise judgment and right action in international affairs, are much needed. This Society may serve as a *collegium,* in the true sense of the word, in which all who choose to seek a broader knowledge of the law that governs the affairs of nations may give each to the other the incitement of earnest and faithful study and may give to the great body of our countrymen a clearer view of their international rights and responsibilities.

I shall detain you from the interesting program of instruction and discussion which has been arranged for this meeting only by trying to illustrate the kind of service that the Society may render, in a few remarks intended to clear away a somewhat widespread popular misapprehension regarding a question arising under a treaty of the United States.

The treaty of November 22, 1894, between the United States and Japan provided, in the first article:

> The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the territory of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property. * * *
>
> In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the

citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most favored nation.

The Constitution of the State of California provides, in article 9:

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of the primary and grammar school.

The statutes of California establish the public school system required by the Constitution. They provide that the State Comptroller must each year "estimate the amount necessary to raise the sum of seven dollars for each census child between the ages of five and seventeen years in the said State of California, which shall be the amount necessary to be raised by *ad valorem* tax for the school purposes during the year."

The statutes further provide that the Board of Education of San Francisco shall have authority —

to establish and enforce all necessary rules and regulations for the government and efficiency of the schools [in that city] and for carrying into effect the school system; to remedy truancy; and to compel attendance at school of children between the ages of six and fourteen years, who may be found idle in public places during school hours.

The statutes further provide, in section 1662 of the school law:

Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school.

On the 11th of October, 1906, the Board of Education of San Francisco adopted a resolution in these words:

Resolved, That in accordance with Article X, section 1662, of the school law of California, principals are hereby directed to send all Chinese, Japanese, or Korean children to the Oriental Public School, situated on the south side of Clay street, between Powell and Mason streets, on and after Monday, October 15, 1906.

The school system thus provided school privileges for all resident children, whether citizen or alien; all resident children were included in the basis for estimating the amount to be raised by taxation for school purposes; the fund for the support of the school was raised by general taxation upon all property of resident aliens as well as of citizens; and all resident children, whether of aliens or of citizens, were liable to be compelled to attend the schools. So that, under the resolution of the Board of Education, the children of resident aliens of all other nationalities were freely admitted to the schools of the city in the neighborhood of their homes, while the children of Indians, Chinese, and Japanese were excluded from those schools, and were not only deprived of education unless they consented to go to the special oriental school on Clay street, but were liable to be forcibly compelled to go to that particular school.

After the passage of this resolution, admission to the ordinary primary schools of San Francisco was denied to Japanese children, and thereupon the Government of Japan made representations to the Government of the United States that inasmuch as the children of residents who were citizens of all other foreign countries were

freely admitted to the schools, the citizens of Japan residing in the United States were, by that exclusion, denied the same privileges, liberties, and rights relating to the right of residence which were accorded to the citizens or subjects of the most-favored nation. The questions thus raised were promptly presented by the Government of the United States to the Federal court in California, and also to the State court of California, in appropriate legal proceedings. The matter has been happily disposed of without proceeding to judgment in either case; but in the meantime there was much excited discussion of the subject in the newspapers and in public meetings and in private conversation.

It is a pleasure to be able to say that never for a moment was there, as between the Government of the United States and the Government of Japan, the slightest departure from perfect good temper, mutual confidence, and kindly consideration; and that no sooner had the views and purposes of the Governments of the United States, the State of California, and the city of San Francisco been explained by each to the other than entire harmony and good understanding resulted, with a common desire to exercise the powers vested in each, for the common good of the whole country, of the State, and of the city.

The excitement has now subsided, so that it may be useful to consider what the question really was, not because it is necessary for the purposes of that particular case, but because of its bearing upon cases which may arise in the future under the application of the treaty-making power of the United States to other matters and in other parts of the national domain.

It is obvious that three distinct questions were raised by the claim originating with Japan and presented by our National Government to the courts of San Francisco. The first and second were merely questions of construction of the treaty. Was the right to attend the primary schools a right, liberty, or privilege of residence? and, if so, was the limitation of Japanese children to the oriental school and their exclusion from the ordinary schools a deprivation of that right, liberty, or privilege? These questions of construction, and especially the second, are by no means free from doubt; but as they concern

only the meaning of a particular clause in a particular treaty they are not of permanent importance, and, the particular occasion for their consideration having passed, they need not now be discussed.

The other question was whether, if the treaty had the meaning which the Government of Japan ascribed to it, the Government of the United States had the constitutional power to make such a treaty agreement with a foreign nation which would be superior to and controlling upon the laws of the State of California. A correct understanding of that question is of the utmost importance not merely as regards the State of California, but as regards all States and all citizens of the Union.

There was a very general misapprehension of what this treaty really undertook to do. It was assumed that in making and asserting the validity of the treaty of 1894 the United States was asserting the right to compel the State of California to admit Japanese children to its schools. No such question was involved. That treaty did not, by any possible construction, assert the authority of the United States to compel any State to maintain public schools, or to extend the privileges of its public schools to Japanese children or to the children of any alien residents. The treaty did assert the right of the United States, by treaty, to assure to the citizens of a foreign nation residing in American territory equality of treatment with the citizens of other foreign nations, so that if any State chooses to extend privileges to alien residents as well as to citizen residents, the State will be forbidden by the obligation of the treaty to discriminate against the resident citizens of the particular country with which the treaty is made, and will be forbidden to deny to them the privileges which it grants to the citizens of other foreign countries. The effect of such a treaty, in respect of education, is not positive and compulsory; it is negative and prohibitory. It is not a requirement that the State shall furnish education; it is a prohibition against discrimination when the State does choose to furnish education. It leaves every State free to have public schools or not, as it chooses, but it says to every State: "If you provide a system of education which includes alien children, you must not exclude these particular alien children."

It has been widely asserted or assumed that this treaty provision and its enforcement involved some question of State's rights. There was and is no question of State's rights involved, unless it be the question which was settled by the adoption of the Constitution.

This will be apparent upon considering the propositions which I will now state:

1. The people of the United States, by the Constitution of 1787, vested the whole treaty-making power in the National Government. They provided:

> The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. (Art. II, sec. 2.)
>
> No state shall enter into any treaty, alliance or confederation; * * *. No state shall, without the consent of Congress, * * * enter into any agreement or compact with another state, or with a foreign power. (Art. I, sec. 10.)
>
> This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby any thing in the constitution or laws of any state to the contrary notwithstanding. (Art. VI.)

Legislative power is distributed; upon some subjects the National Legislature has authority; upon other subjects the State Legislature has authority. Judicial power is distributed; in some cases the Federal courts have jurisdiction; in other cases the State courts have jurisdiction. Executive power is distributed; in some fields the National Executive is to act; in other fields the State Executive is to act. The treaty-making power is not distributed; it is all vested in the National Government; no part of it is vested in or reserved to the States. In international affairs there are no States; there is but one nation, acting in direct relation to and representation of every citizen in every State. Every treaty made under the authority of the United States is made by the National Government, as the direct and sole representative of every citizen of the United States residing in California equally with every citizen of the United States residing elsewhere. It is, of course, conceivable, that, under pre-

tense of exercising the treaty-making power, the President and Senate might attempt to make provisions regarding matters which are not proper subjects of international agreement, and which would be only a colorable — not a real — exercise of the treaty-making power; but so far as the real exercise of the power goes, there can be no question of State rights, because the Constitution itself, in the most explicit terms, has precluded the existence of any such question.

2. Although there are no express limitations upon the treaty-making power granted to the National Government, there are certain implied limitations arising from the nature of our Government and from the other provisions of the Constitution; but those implied limitations do not in the slightest degree touch the making of treaty provisions relating to the treatment of aliens within our territory.

In the case of Geofroy v. Riggs, which, in 1889, sustained the rights of French citizens under the treaty of 1800 to take and hold real and personal property in contravention of the common law and the statutes of the State of Maryland, the Supreme Court of the United States said:

> That the treaty power of the United States extends to all proper subjects of negotiations between our Government and the governments of other nations is clear. * * * The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its Departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country.

3. Reciprocal agreements between nations regarding the treatment which the citizens of each nation shall receive in the territory of the other nation are among the most familiar, ordinary, and unquestioned exercises of the treaty-making power. To secure the citizens of one's country against discriminatory laws and discriminatory

administration in the foreign countries where they may travel or trade or reside is, and always has been, one of the chief objects of treaty making, and such provisions always have been reciprocal.

During the entire history of the United States provisions of this description have been included in our treaties of friendship, commerce, and navigation with practically all the other nations of the world. Such provisions had been from time immemorial the subject of treaty agreements among the nations of Europe before American independence; and the power to make such provisions was exercised without question by the Continental Congress in the treaties which it made prior to the adoption of our Constitution. The treaty of 1778 with France, made between the Most Christian King and the thirteen United States of North America by name, contained such provisions. So did the treaty of 1782 between Their High Mightinesses the States-General of the United Netherlands and the thirteen United States of America by name.

The treaty of 1785 with Prussia, ratified by the Continental Congress on the 17th of May, 1786, contained an exercise of the same kind of power. Mr. Bancroft Davis summarizes the provisions of this character in the Prussian treaty in these words:

> The favored-nation clause put Prussia on the best footing in the ports of Charleston, Boston, Philadelphia, and New York, no matter what the legislatures of South Carolina, Massachusetts, Pennsylvania, or New York might say. Aliens were permitted to hold personal property and dispose of it by testament, donation, or otherwise, and the exaction of State dues in excess of those exacted from citizens of the State in like cases were forbidden. The right was secured to aliens to frequent the coasts of each and all the States, and to reside and trade there. Resident aliens were assured against State legislation to prevent the exercise of liberty of conscience and the performance of religious worship; and when dying, they were guaranteed the right of decent burial and undisturbed rest for their bodies.

It is not open to doubt that when the delegates of these thirteen States conferred the power to make treaties upon the new National Government in the broadest possible terms and without any words of limitation, the subjects about which they themselves had been making the treaties then in force were included in the power.

The treaty of July 28, 1868, between the United States and China — the celebrated Burlingame Treaty — contained, in the sixth article, a provision in the very words of the Japanese treaty. That article provided:

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation.

In the case of Tiburcio Parrot (6 Sawyer, 368) the Circuit Court of the United States said, Mr. Justice Sawyer reading the opinion:

As to the point whether the provision in question is within the treaty-making power, I have as little doubt as upon the point already discussed. Among all civilized nations, in modern times at least, the treaty-making power has been accustomed to determine the terms and conditions upon which the subjects of the parties to the treaty shall reside in the respective countries, and the treaty-making power is conferred by the Constitution in unlimited terms. Besides, the authorities cited on the first point fully cover and determine this question. If the treaty-making power is authorized to determine what foreigners shall be permitted to come into and reside within the country, and who shall be excluded, it must have the power generally to determine and prescribe upon what terms and conditions such as are admitted shall be permitted to remain.

And regarding the same treaty the Supreme Court of the United States remarked, in the case of Baldwin v. Franks (120 U. S. 679):

That the United States have power under the Constitution to provide for the punishment of those who are guilty of depriving Chinese subjects of any of the rights, privileges, immunities, or exemptions guaranteed to them by this treaty we do not doubt.

4. It has been settled for more than a century that the fact that a treaty provision would interfere with or annul the laws of a State as to the aliens concerning whom the provision is made, is no impeachment of the treaty's authority.

The very words of the Constitution, that the judges in every State shall be bound by a treaty "anything in the constitution or laws of any state to the contrary notwithstanding," necessarily imply an expectation that some treaties will be made in contravention of laws of the States. Far from the treaty-making power being limited by State laws, its scope is entirely independent of those laws; and whenever it deals with the same subject, if inconsistent with the law, it annuls the law. This is true as to any laws of the States, whether the legislative authority under which they are passed is concurrent with that of Congress, or exclusive of that of Congress.

In the case of Ware v. Hylton the Supreme Court of the United States, in the year 1796, considered the effect under the Constitution of the treaty of peace with England of 1783, which provided that "creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts, theretofore contracted," as against a law of the State of Virginia, which confiscated to the State of Virginia the debts due from its citizens to British subjects.

The court said:

There can be no limitation on the power of the people of the United States. By their authority, the State Constitutions were made, and by their authority the Constitution of the United States was established; and they had the power to change or abolish the State Constitutions, or to make them yield to the General Government and to treaties made by their authority. A treaty can not be the supreme law of the land — that is, of all the United States — if any act of a State Legislature can stand in its way. If the Constitution of a State (which is the fundamental law of the State, and paramount to its Legislature) must give way to a treaty, and fall before it, can it be questioned whether the less power, an act of the State Legislature, must not be prostrate? It is the declared will of the people of the United States that every treaty made by the authority of the United States shall be superior to the Constitution and laws of any individual State; and their will alone is to decide. * * *

Four things are apparent on a view of this sixth article of the National Constitution: 1st. That it is retrospective, and is to be considered in the same light as if the Constitution had been established before the making of the treaty of 1783. 2d. That the Constitution or laws of any of the States, so far as either of them shall

be found contrary to that treaty, are by force of the said article prostrated before the treaty. 3d. That, consequently, the treaty of 1783 has superior power to the Legislature of any State, because no Legislature of any State has any kind of power over the Constitution, which was its creator. 4th. That it is the declared duty of the State judges to determine any Constitution or laws of any State contrary to that treaty (or any other), made under the authority of the United States, null and void. National or Federal judges are bound by duty and oath to the same conduct.

In the case of Fairfax v. Hunter, in 1812, Mr. Justice Story delivering the opinion, the Supreme Court of the United States sustained the title of a British subject, under the provisions of the treaty of 1794, in direct contravention of the laws of the State of Virginia. In the case of Chirac v. Chirac, in 1817, Chief Justice Marshall delivering the opinion, the Supreme Court of the United States sustained the title of a French subject to real estate in Maryland, in direct contravention of the laws of that State. A long line of cases have followed in the Supreme Court applying the provisions of various treaties and maintaining without exception the unvarying rule that the State statute falls before the treaty.

It equally appears from these cases that the treaty provisions which were sustained by the Supreme Court and the State laws which were declared void, so far as they conflicted with a treaty, related to matters regarding which Congress had no power to legislate, but upon which, in the distribution of legislative powers under the Constitution, the States, and the States alone, had power to legislate.

5. Since the rights, privileges, and immunities, both of person and property, to be accorded to foreigners in our country and to our citizens in foreign countries are a proper subject of treaty provision and within the limits of the treaty-making power, and since such rights, privileges, and immunities may be given by treaty in contravention of the laws of any State, it follows of necessity that the treaty-making power alone has authority to determine what those rights, privileges, and immunities shall be. No State can set up its laws as against the grant of any particular right, privilege, or immunity any more than against the grant of any other right, privilege, or

immunity. No State can say a treaty may grant to alien residents equality of treatment as to property but not as to education, or as to the exercise of religion and as to burial but not as to education, or as to education but not as to property or religion. That would be substituting the mere will of the State for the judgment of the President and Senate in exercising a power committed to them and prohibited to the States by the Constitution.

There was, therefore, no real question of power arising under this Japanese treaty and no question of State rights.

There were, however, questions of policy, questions of national interests and of State interests, arising under the administration of the treaty and regarding the application of its provisions to the conditions existing on the Pacific coast.

In the distribution of powers under our composite system of government the people of San Francisco had three sets of interests committed to three different sets of officers — their special interest as citizens of the principal city and commercial port of the Pacific coast represented by the city government of San Francisco; their interest in common with all the people of the State of California represented by the Governor and Legislature at Sacramento; and their interests in common with all the people of the United States represented by the National Government at Washington. Each one of these three different governmental agencies had authority to do certain things relating to the treatment of Japanese residents in San Francisco. These three interests could not be really in conflict; for the best interest of the whole country is always the true interest of every State and city, and the protection of the interests of every locality in the country is always the true interest of the nation. There was, however, a supposed or apparent clashing of interests, and, to do away with this, conference, communication, comparison of views, explanation of policy and purpose were necessary. Many thoughtless and some mischievous persons have spoken and written regarding these conferences and communications as if they were the parleying and compromise of enemies. On the contrary, they were an example of the way in which the public business ought always to be conducted; so that the different public officers respectively

charged with the performance of duties affecting the same subject-matter may work together in furtherance of the same public policy and with a common purpose for the good of the whole country and every part of the country. Such a concert of action with such a purpose was established by the conferences and communications between the national authorities and the authorities of California and San Francisco which followed the passage of the Board of Education resolution.

There was one great and serious question underlying the whole subject which made all questions of construction and of scope and of effect of the treaty itself — all questions as to whether the claims of Japan were well founded or not; all questions as to whether the resolution of the school board was valid or not — seem temporary and comparatively unimportant. It was not a question of war with Japan. All the foolish talk about war was purely sensational and imaginative. There was never even friction between the two Governments. The question was: What state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country?

What was to be the effect upon that proud, sensitive, highly civilized people across the Pacific, of the discourtesy, insult, imputations of inferiority and abuse aimed at them in the columns of American newspapers and from the platforms of American public meetings? What would be the effect upon our own people of the responses that natural resentment for such treatment would elicit from the Japanese?

The first article of the first treaty Japan ever made with a western power provided:

> There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the empire of Japan on the other part, and between their people respectively, without exception of persons or places.

Under that treaty, which bore the signature of Matthew Calbraith Perry, we introduced Japan to the world of western civilization. We had always been proud of her wonderful development — proud of

the genius of the race that in a single generation adapted an ancient feudal system of the Far East to the most advanced standards of modern Europe and America. The friendship between the two nations had been peculiar and close. Was the declaration of that treaty to be set aside? At Kurihama, in Japan, stands a monument to Commodore Perry, raised by the Japanese in grateful appreciation, upon the site where he landed and opened negotiations for the treaty. Was that monument henceforth to represent dislike and resentment? Were the two peoples to face each other across the Pacific in future years with angry and resentful feelings? All this was inevitable if the process which seemed to have begun was to continue, and the Government of the United States looked with the greatest solicitude upon the possibility that the process might continue.

It is hard for democracy to learn the responsibilities of its power; but the people now, not governments, make friendship or dislike, sympathy or discord, peace or war, between nations. In this modern day, through the columns of the myriad press and messages flashing over countless wires, multitude calls to multitude across boundaries and oceans in courtesy or insult, in amity or in defiance. Foreign officers and ambassadors and ministers no longer keep or break the peace, but the conduct of each people toward every other. The people who permit themselves to treat the people of other countries with discourtesy and insult are surely sowing the wind to reap the whirlwind, for a world of sullen and revengeful hatred can never be a world of peace. Against such a feeling treaties are waste paper and diplomacy the empty routine of idle form. The great question which overshadowed all discussion of the treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative.

The PRESIDENT. I am instructed by the Secretary, under whose control I am, to announce that the general business of the Society will be postponed until Saturday morning, and that there will be a meeting of the Executive Council this afternoon upon the adjournment of this session.

We will now proceed to the first number on the program —

Mr. THEODORE P. ION. Mr. President, may I interrupt for a moment?

The PRESIDENT. Certainly.

Mr. ION. I am the professor of international law of the Boston University Law School. I was not aware that the Japanese question was coming up, and am not prepared to answer at this time what has been said on that subject. I would like to ask if there is to be discussion on this question. If so, I should like to read, if possible, a statement in answer to that which has been made this morning. I could be prepared to do that to-morrow morning or to-morrow afternoon. I think that some kind of an answer should be made, if possible.

The PRESIDENT. There will be an opportunity for discussion upon that subject at the session which begins this evening at 8 o'clock.

Mr. ION. Then I will be prepared at that time to present a paper.

The PRESIDENT. The first number on the program is the question: "Would immunity from capture during war of nonoffending private property upon the high seas be in the interest of civilization?" Upon that subject a paper will be read by Admiral Stockton.

ADDRESS OF REAR-ADMIRAL C. H. STOCKTON, U. S. N., OF WASHINGTON, D. C.[1]

Mr. President and Members of the Society: Before starting on this paper, I may say that it represents my views as an individual member of the Society, and not as a representative of the profession of which I am proud to be a member.

This subject is a timely one from the fact that we are on the eve of the meeting of the Second International Conference at The Hague, the First Conference in 1899 having voted that —

[1] This address was published in THE AMERICAN JOURNAL OF INTERNATIONAL LAW, I:930.